

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

ERNEST RANDAL COMEAUX

CIVIL ACTION NO. 06-367-P

VERSUS

JUDGE HICKS

RICHARD L. STALDER, ET AL.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Before the court is Defendants' Objection to Magistrate Judge's Memorandum Order (Doc. 75), wherein Defendants complain that the undersigned granted (in part) Plaintiff's motion to compel. According to Defendants, the court should not have ordered any discovery because Defendants filed a motion for summary judgment on the basis of qualified immunity.

In their opposition to the motion to compel, Defendants did not argue that Plaintiff's motion to compel should be denied (or that all discovery should be stayed) because of their assertion of qualified immunity. It is not the undersigned's obligation to scour other pleadings in the record (not related to the discovery motion before the court) and sua sponte assert arguments for Defendants that they have not asserted for themselves.

The effect of the Memorandum Order (Doc. 74) is **stayed** pending resolution of Defendants' motion for summary judgment. In the future, if Defendants wish to defeat a motion to compel on the basis of an assertion of qualified immunity, they should assert that argument in their opposition to the motion to compel (or a supplement thereto). Otherwise,

they risk waiver of the argument.

THUS DONE AND SIGNED at Shreveport, Louisiana, this 10th day of August, 2007.



MARK L. HORNSBY
UNITED STATES MAGISTRATE JUDGE